

Committee on Technical Barriers to Trade

NOTIFICATION

The following notification is being circulated in accordance with Article 10.6.

1.	Member to Agreement notifying: <u>NETHERLANDS</u> If applicable, name of local government involved (Articles 3.2 and 7.2):
2.	Agency responsible: Ministry of Transport and Public Works Agency or authority designated to handle comments regarding the notification can be indicated if different from above: National enquiry point
3.	Notified under Article 2.9.2 [X], 2.10.1 [ ], 5.6.2 [ ], 5.7.1 [ ], other:
4.	Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable): Safety belts, fuel and oil, IFR instruments, VFR and IFR radio equipment, navigational equipment, aircraft identification equipment for air traffic control, anti-icing devices, night-flight instruments, manually-operated fire extinguishing devices, signs designating crew areas, signs designating emergency exits.
5.	Title, number of pages and language(s) of the notified document: Regulation Governing the Preparation and Operation of Tour Flights
6.	<p>Description of content: Article 8A, paragraph 2, of the Aviation Act provides for the possibility of rules on preparation and operation of tour flights being issued by or in accordance with Orders in Council in the interests of public safety. Article 114 of the Regulation Governing Aviation Monitoring instructs the Minister of Transport, Public Works and Water Management to establish rules in this regard as well as equipment requirements relating to aircraft for tour flights. Subsequently, further implementation is instructed for this purpose in the present draft Regulation. According to the Dutch Government, the draft Regulation stated in point 5 probably contains technical regulations. An indicative summary of the technical regulations appears below:</p> <ul style="list-style-type: none"><li>- Article 5a: cockpit seats must be fitted with three or four point connection safety belts (established on 5 September 1990);</li><li>- Article 6: there must be sufficient fuel and oil on board the aircraft for the duration of the flight (established on 5 September 1990);</li></ul>

## 6. Description of content: (cont'd)

- Article 7: a number of instruments must be provided on board IFR flights, and these must offer a clear display to the pilots (established 5 September 1990);
- Article 8: special purpose radio equipment must be installed for VFR and IFR flights. Such equipment for IFR flights must, as of 1 January 2001, at least conform to the standards in Section I, Book I of Annex 10 of the ICAO Treaty (established on 5 September 1990, the second paragraph is dated 10 February 1997);
- Article 9: navigational equipment must be present on board the aircraft. This equipment must at least conform to the standards established in Section I, Book I of Annex 10 of the ICAO Treaty (established on 5 September 1990);
- Article 10: on-board aircraft identification equipment for air traffic control must be present. Such equipment must at least conform to the standards established in Section I, Book I, Annex 10 of the ICAO Treaty (established on 5 September 1990);
- Article 11: the aircraft must be fitted with anti-icing devices (established on 5 September 1990);
- Article 12: requirements relating to night-flight instruments - supplementary requirements to those stated in Article 7 (established on 5 September 1990);
- Article 13: manually-operated fire extinguishing equipment of an approved type must be present on board aircraft (established on 5 September 1990). See point 10 for further information;
- Article 14: "no smoking" and crew access area signs must be present on board the aircraft (established on 5 September 1990);
- Article 15: requirements relating to emergency exit signs (established on 5 September 1990).

## 7. Objective and rationale: If the draft amendment of the Regulation contains quantitative import restrictions or measures of equal effect within the meaning of the Agreement on Technical Barriers to Trade then such measures are justified in the interests of public health and safety and in order to protect human life.

Reference is made in a number of provisions of the Regulation to ICAO Regulations governing air traffic. These Regulations are declared to be on the analogy applicable on sight seeing flights. As things stand, the present Regulation will be replaced on 1 April 1999 by JAR-OPS or legislation in which JAR-OPS shall be implemented.

8.	Relevant documents: ICAO-Annex 6 and 10; Aviation Act (Article 8A, paragraph 2); Regulation Governing Aviation Monitoring (Article 114); Point 5.1 of Appendix 3, Article 12, paragraph 2(b), Point 10 of the Regulation Governing Aviation Safety, containing requirements with regard to manually-operated fire extinguishing devices and the extinguishing agents contained therein (Article 12 and Appendix 3 belong hereto) is applicable to Article 13 on manually-operated fire extinguishing devices. These requirements are based on the European Aviation requirements (JAR 23) which leads to common technical regulations within the European Union.
9.	Proposed date of adoption: 20 November 1997 Proposed date of entry into force: 21 November 1997
10.	Final date for comments: 19 November 1997  The Netherlands will proceed to implement the proposed measure after 45 days if no comments or requests for extension of the time-limit have been received from other Members within that time.
11.	Texts available from: National enquiry point [X] or address and telefax number of other body: